

**MINUTES OF A REGULAR MEETING OF  
THE TORRANCE PLANNING COMMISSION**

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:02 p.m. on Wednesday, September 2, 2009 in the Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Skoll.

**3. ROLL CALL**

Present: Commissioners Browning, Busch, Horwich, Skoll, Uchima and Chairperson Weideman.

Absent: Commissioner Gibson.

Also Present: Planning Manager Lodan, Sr. Planning Associate Santana, Civil Engineer Symons, Fire Marshal Kazandjian, Plans Examiner Noh and Deputy City Attorney Sullivan.

**4. POSTING OF THE AGENDA**

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, August 27, 2009.

**5. APPROVAL OF MINUTES – None.**

**6. REQUESTS FOR POSTPONEMENTS - None.**

**7. ORAL COMMUNICATIONS #1 – None.**

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Chairperson Weideman reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

**8. TIME EXTENSIONS – None.**

**9. CONTINUED HEARINGS – None.**

**10. WAIVERS – None.**

**11. FORMAL HEARINGS – None.**

**12. RESOLUTIONS – None.**

**13. PUBLIC WORKSHOP ITEMS – None.**

**14. MISCELLANEOUS ITEMS**

**14A. MIS09-00117: THOMAS JESUKIEWICZ**

Planning Commission consideration of an appeal of a Community Development Director's denial of a Minor Hillside Exemption to allow the construction of two elevated concrete decks, a series of retaining wall and planters in the rear yard, and block walls along the rear and side property lines on property located within the Hillside Overlay District in the R-1 Zone at 23419 Shadycroft Avenue.

**Recommendation**

Denial without prejudice.

Commissioner Skoll disclosed that he was unable to meet with the applicant but spoke with him on the phone; that he visited neighbors at 23420 and 23426 Susana and 23425 and 23413 Shadycroft; and that he spoke with the neighbor at 23420 Shadycroft; however, none of these discussions would influence his decision.

Commissioner Browning reported that he visited the subject property, as well as 23413 Shadycroft, and 23426 Susana, and his decision would be based on the staff report, public testimony, comments from fellow Commissioners, and his own observations.

Commissioner Browning noted that he has filed the necessary papers to run for City Council and Deputy City Attorney Sullivan confirmed that participating in Planning Commission hearings would not be a conflict of interest.

With the aid of slides, Thomas Jesukiewicz, 23419 Shadycroft Avenue, applicant, reviewed the proposed project consisting of two elevated decks, a series of retaining walls and planters, and perimeter block walls. Using photographs to illustrate, he disputed claims that the project would impact neighbors' privacy and views. He explained that the decks would be cut into the hillside, not cantilevered, to protect neighbors' privacy and additionally they would be shielded by the proposed 6-foot high block wall along the side property lines that would follow the contour of the hillside. He stated that he would like to install perimeter walls for safety and security reasons; that the proposed six-foot high wall was consistent with other properties in the area; and that he was proposing a three-foot high block wall topped by a three-foot high cable and rail fence along the rear of the property to minimize view impact. He noted that staff has recommended limiting perimeter walls to a height of three feet, however, this would be worse than having nothing at all because it would only invite people to stand on the wall or jump over it. He contended that the project would create a more stable hillside than exists today and that it would not block sunlight or airflow to adjacent properties as some have claimed. He reported that he used the mediation process to try to arrive at a compromise with neighbors, however, they would not budge from their positions.

Commissioner Browning voiced concerns about the upper deck's impact on privacy and the rear wall's impact on the view of the neighbor behind the subject property. He expressed doubts about Mr. Jesukiewicz's claim that the project would improve the stability of the hillside.

Mr. Jesukiewicz stated that the hillside has been stable and he believed putting in retaining walls would make it even more secure. He conceded that the rear wall would be visible to the adjacent neighbor, but maintained that the impact would be minimal with the cable and rail system proposed for the upper portion.

Commissioner Busch asked about mediation process. Mr. Jesukiewicz explained that he was referred to Lance Widman at the South Bay Center for Dispute Resolution by City staff and different options were discussed to address neighbors' concerns, including moving the deck further away from the property line, but neighbors were not amenable to any of the suggested remedies.

Commissioner Skoll expressed concerns about the project's impact on the stability of the hillside. Plans Examiner Noh advised that should the project be approved, the applicant would be required to have a structural engineer to do a complete analysis and prepare detailed plans to ensure that the slope would not be destabilized.

Paul Giannini, 23426 Susana Avenue, voiced objections to the project, submitting written information detailing his concerns. He contended that the wall along the rear of the property would obscure his view no matter what it is made of; that the upper deck would impact his privacy as it would be only 14 feet away from his master bedroom and 6 feet away from his patio; and that the 24-inch gap between his rear wall and the applicant's rear wall would be an attractive nuisance. He reported that the mediator contacted him, but it was not clear who he was representing and what remedies were being proposed. He related his belief that property values in the entire neighborhood would be negatively impacted by the project.

Rudy Vanareuninggen, 23425 Shadycroft Avenue, maintained that the proposed project would greatly intrude on his privacy, submitting photographs to illustrate. He expressed concerns about the project's impact on the stability of the hillside.

Keith Rickey, 2413 Shadycroft Avenue, reported that he signed off on the project because his property is the least affected. He noted that his property is approximately three feet higher than the subject property so limiting the side wall to three feet as staff has recommended would not address privacy concerns and would not be safe for his children.

Chairperson Weideman asked about staff's rationale for recommending that perimeter walls be limited to a height of three feet, and Planning Manager Lodan advised that staff was mainly concerned about view obstruction for neighbors to the rear and would not object to 6-foot high walls along the side property lines.

James Bagnell, 23420 Susana Avenue, voiced objections to the project as detailed in his letter dated February 12, 2009 (agenda material). He maintained that the proposed rear yard fence would obscure his only view of the horizon and city lights and reduce the value of his property. He explained that the neighborhood was designed so the natural slope provides for separation and privacy and building elevated decks as proposed would greatly affect his and other neighbors' privacy. He noted that the vegetated slope also passively supports his yard and expressed concerns that replacing it with privately maintained retaining walls could jeopardize its stability. He reported that he was contacted by someone from a dispute resolution agency who implied that he was working for the City, but had not seen the staff report, so he declined to discuss the project with him.

Deputy City Attorney Sullivan clarified that Lance Widman of the South Bay Center for Dispute Resolution is under contract by the City to assist with neighborhood disputes.

Planning Manager Lodan advised that staff referred the applicant to Mr. Widman to see if a compromise with neighbors could be reached and moved forward with the appeal when that was unsuccessful.

Returning to the podium, Mr. Jesukiewicz disputed neighbors' claims that the project would have an adverse impact on their views and privacy and noted that the project will be professionally engineered so it will not impact the slope's stability. He voiced his opinion that it was a liability not to have a wall along the rear of the property because children could fall down the very steep hill and offered to reduce its height from 6 feet to 4 feet.

Commissioner Browning reported that he observed that the project would obstruct the view at 23420 and 23426 Susana and intrude on the privacy of 23413 and 23425 Shadycroft in violation of the Hillside Ordinance §91.41.6(a).

Commissioner Horwich noted that the staff report includes a list of recommended conditions should the Commission decide to approve the project and asked if Mr. Jesukiewicz was agreeable to those conditions.

Mr. Jesukiewicz indicated that he would consider eliminating the upper deck as required by Condition No. 3, but would like to have a 4-foot high fence along the rear of the property instead of 3 feet as required by Condition No. 5.

Planning Manager Lodan recommended that the Commission continue the hearing rather than approving the project with the conditions because a major restructuring of the project will be necessary in order to comply with them.

Commissioners briefly discussed the merits of continuing the hearing versus denying the project without prejudice.

Planning Manager Lodan advised that should the project be denied without prejudice, the applicant would be able to submit revised plans, which could then be approved via the sign-off process if he can obtain the support of his neighbors thereby avoiding another public hearing.

Commissioners encouraged Mr. Jesukiewicz to work with his neighbors to resolve their concerns.

**MOTION:** Commissioner Browning moved to close the public hearing. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote (absent Commissioner Gibson).

**MOTION:** Commissioner Browning move to deny the appeal and deny MIS09-00117 without prejudice. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote (absent Commissioner Gibson).

Sr. Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 09-042.

**MOTION:** Commissioner Browning moved for the adoption of Planning Commission Resolution No. 09-042. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote (absent Commissioner Gibson).

**14B. LOCAL COASTAL PLAN INFORMATION**

Planning Manager Lodan reported that additional information requested by the Commission regarding the Local Coastal Plan was included in the staff report. He noted that Commissioners had expressed concerns that Torrance's Local Coastal Plan was only conditionally certified, however areas in both Los Angeles County and Orange County have denied Local Coastal Plans and several jurisdictions have no Local Coastal Plans, so there appears to be no detriment to not having a certified Local Coastal Plan at this time. He recommended that the Commission receive and file this report and staff will continue to monitor Coastal Commission requirements.

**MOTION:** Chairperson Weideman moved to receive and file the report. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Gibson).

Chairperson Weideman requested that staff update the Commission on this matter in 2010.

**14C. INFORMATION ITEM ON GREEN BUILDING AND ENVIRONMENTAL DESIGN**

Sr. Planning Associate Santana gave a PowerPoint presentation on Green Building and Environmental Design prepared by City staff to educate residents and local businesses on the principles and benefits of sustainable design practices.

Commissioner Busch thanked staff for the informative presentation, relating his belief that it was important to inform the public that green building can also be cost effective due to the many rebate programs and other cost savings associated with it.

Commissioner Horwich noted his disagreement with some of the statements contained in the presentation about climate change and global warming.

Chairperson Weideman asked about the City's progress with regard to the Cool Cities Initiative. Sr. Planning Associate Santana reported that the analysis of the City's carbon footprint was almost complete.

Chairperson Weideman questioned whether staff had addressed the issue of regulations for "green" roofs, such as the one proposed by an applicant on Paseo de la Playa in 2007. Sr. Planning Associate Santana reported that staff has not addressed this issue, however, the City has adopted changes that were incorporated into the State of California Building Code, which may include provisions for green roofs.

Chairperson Weideman commended staff for their efforts on the presentation.

**15. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS – None.**

**16. LIST OF TENTATIVE PLANNING COMMISSION CASES**

Planning Manager Lodan reviewed the agenda for the September 16, 2009 Planning Commission meeting.

**17. ORAL COMMUNICATIONS # 2**

**17A.** In response to Commissioner Uchima's request for updates, Planning Manager Lodan reported that staff is working with the developer to secure the site of the Sunrise project until construction resumes; that the commercial project at Pacific Coast Highway

and Hawthorne Boulevard is in plan check and an application has been received for a Christmas tree lot in the interim; and that the Environmental Impact Report for the Rockefeller project on Lomita Boulevard has been finalized and the project will probably be submitted to the Commission in November.

**17B.** Chairperson Weideman thanked staff for providing a hard copy of the Draft General Plan, but expressed disappointment that Commissioners had not been provided with minutes from General Plan Workshops. Additionally, he noted that he and Commissioner Skoll had requested that Commissioners be provided with a comparison of the original Draft General Plan and the final version so they could clearly see what changes have been made and whether comments/questions from the Commission and the public have been addressed.

Planning Manager Lodan reported that additional information will be forthcoming and the Draft General Plan was provided first so that Commissioners would have more time to review it. He offered to relay requests for additional information to the General Plan Team.

Commissioner Skoll stated that he would like each suggestion made during workshops identified and a notation as to whether or not it was incorporated into the Draft General Plan or if the suggestion was rejected, the reason why it was rejected.

**17C.** Planning Manager Lodan advised that Assistant to the City Manager Chaparyan has requested that each commission schedule a time to discuss the potential consolidation of City commissions, which is being explored by a City Council Ad Hoc Committee. It was the consensus of the Commission to discuss this matter at the September 16, 2009 meeting.

**18. ADJOURNMENT**

At 9:30 p.m., the meeting was adjourned to Wednesday, September 16, 2009 at 7:00 p.m.

Approved as Submitted November 4, 2009 s/ Sue Herbers, City Clerk
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